



**BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: AUGUST 10, 2016

CALL TO ORDER: 8:00 P.M.

PRESENT AT ROLL CALL:

Mayor	Mario M. Kranjac
Councilman	Ed Aversa
Councilman	Zhi Liang
Councilwoman	Gloria Oh(<i>via phone</i>)
Council President	Carrol McMorrow
Councilman	Mark Park
Councilman	Nunzio Consalvo

ALSO PRESENT:

Borough Attorney	Denis Murphy
Superintendent of DPW	Mark Neville
Municipal Clerk	Lisette M. Duffy

FLAG SALUTE LEAD BY: Councilman Consalvo

BOROUGH CLERK STATED:

Adequate notice of this meeting was given to the press and posted as required. Date and time of these meetings was legally given as required by the "Open Public Meetings Act." This notice is on file with the Municipal Clerk and posted on the bulletin board. Minutes of this meeting will be made available to the public upon the completion of typing and proofreading by the Municipal Clerk.

- **MINUTES:** Caucus and Regular Minutes of July 13, 2016

On a motion by Councilman Aversa, seconded by Councilman Liang, Caucus and Regular Minutes of July 13, 2016 were approved.

ALL IN FAVOR:

AYES: Aversa, Liang, Oh, McMorrow, Park, Consalvo

CORRESPONDENCE:

Mark Amster - *Resident*
Police Chief Cioffi (2) – dated July 22, 2016 & August 4, 2016
Vito A. Gagliardi, Jr., Esq – *Privileged & Confidential*
Gail Ehrenberg – *Resident*
Concerned Resident
Anthony Del Gatto, Grissini
Eric M. Bernstein, Esq – *Privileged & Confidential*

ALL CORRESPONDENCE WAS ORDERED TO BE FILED.

The Mayor thanked Mark Neville, DPW Superintendent and the DPW staff for doing a great job on Community Night Out held on August 2, 2016.

DPW Superintendent spoke about Miele Sanitation and road paving. He said intense heat has been predicted for the next week.

The Mayor asked about the water tower.

The Mayor thanked Siddharth Tripathi, intern at the Borough Hall, for the great job he did this summer.

Borough Clerk read letter from Gail Ehrenberg, resident.

CLAIMS FOR THE PERIOD: July 14, 2016 through August 10, 2016

On a motion by Councilman Park, seconded by Council President McMorrow and carried unanimously, the Claims were ordered paid.

ROLL CALL:

AYES: Aversa, Liang, Oh, McMorrow, Park, Consalvo

DEPARTMENT HEAD REPORTS for July 2016

Finance Department
Fire Department
Municipal Court
Building Department
Police Department
Borough Engineer

On a motion by Councilman Aversa, seconded by Councilman Liang, all Department Head Reports for July were approved.

ALL IN FAVOR:

AYES: Aversa, Liang, Oh, McMorrow, Park, Consalvo

The Mayor thanked everyone, especially Council President Carrol McMorrow, DPW Superintendent, Mark Neville, Borough Clerk/Administrator, Lisette Duffy and Recreation Director, Paul Duffy for their help with Community Night Out. It was a successful and wonderful event for everyone. He thanked all the sponsors who donated items.

The Mayor met with the Borough Attorney, members of the Police Committee, Councilman Park and Councilman Consalvo, Chief Cioffi, Captain Regan and Captain Murphy today to discuss police budget issues. It was a productive meeting and there will be a follow up meeting next week.

The Mayor read Deputy Chief McMorrow resignation letter and distributed the letter to the Council members.

The Mayor personally thanked Deputy Chief McMorrow for 42 years of dedicated and courageous service in Englewood Cliffs.

PUBLIC PORTION:

The Mayor stated "IF ANYONE WISHES TO COMMENT ON THE RESOLUTIONS OR ANY OTHER ITEM OTHER THAN ORDINANCES, THEY MAY DO SO AT THIS TIME."

On a motion by Councilman Aversa, seconded by Councilman Liang and carried unanimously, the meeting was open to the public.

ALL IN FAVOR:

AYES: Aversa, Liang, Oh, McMorrow, Park, Consalvo

PUBLIC SPOKE:

Council President Carrol McMorrow stepped off the dais and sat with the public during the public portion of the meeting.

Deborah Tsabari, 106 Hollywood Ave, Englewood Cliffs, NJ said we all need to work together.

Maria Villari, 45 Jane Drive, Englewood Cliffs, NJ thanked the Council for Community Night Out and was not in favor of Mr. Nikow's letter.

Lynn Minetti, 34 Sherwood Ave, Englewood Cliffs, NJ would like to see someone in property maintenance.

The Mayor encourages residents to write a letter to the Building Department to notify them of property maintenance issues.

Fran Correa, 16 First Street, Englewood Cliffs, NJ was upset and disappointed that the junior policy academy was cancelled.

Dave DiGrigorio, 165 Charlotte Place, Englewood Cliffs, NJ said administration is still a mess. We should all support the Police Department, is not in favor of artificial turf on our fields due to health hazard, and people are driving too fast on Charlotte Place.

Michael Telzer, 9 Churchill Road, Englewood Cliffs, NJ spoke about the police escort for his parent's funeral and thanked Deputy Chief McMorrow and Lieutenant Mura.

Penny Rousouli, 44 Birch Street, Englewood Cliffs, NJ thanked Deputy Chief McMorrow for his years of service.

Martin Geiger, 270 Alfred Street, Englewood Cliffs, NJ thanked Deputy Chief McMorrow for his years of service. The resident said borough email addresses should be used by the governing body instead of personal emails and suggested that agendas should be posted earlier.

Susan Consalvo, 150 Charlotte Place, Englewood Cliffs, NJ talked about the wonderful community event and questioned the letter that was mailed to the residents.

Mary O'Shea, 12 Irving Ave, Englewood Cliffs, NJ is thankful that the Mayor kept his word with low taxes. Pleased that so many residents came out for Community Night Out. Police Department not the same since past Chiefs retired. Thanked Deputy Chief McMorrow for his years of service.

Angelo Mungiole, 42 Mercer Ave, Englewood Cliffs, NJ children should be encouraged to take the school bus since we are paying for it. The Police Department is here to serve the community, so they should have been at Community Night Out.

Carin Geiger, 270 Alfred Street, Englewood Cliffs, NJ spoke about police overtime going back to 2005. She questioned why nothing has been done yet with Lieutenant Mura.

Michael Telzer, 9 Churchill Road, Englewood Cliffs, NJ said in 2010, there were 19 police officers. 8 more officers were hired and overtime did not go down.

Russ Porrino, 220 Fairview Ave, Englewood Cliffs, NJ thanked Council President McMorrow for a wonderful Community Night Out. Thanked Deputy Chief McMorrow for his years of service.

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ thanked Deputy Chief McMorrow for his service to the Borough. She asked that confidentiality orders be lifted from past lawsuits.

Borough Attorney responded to the resident's concerns.

Andrew Nikow, 54 Elm Street, Englewood Cliffs, NJ supports the letter he sent to the residents.

Carrol McMorrow, 7 Ridge Road, Englewood Cliffs, NJ said police officers should speak for themselves and everyone supports the Police Department. The disrespect has to stop and police should have been at Community Night Out. She spoke about her husband, Deputy Chief McMorrow and his dedication and years of service to the town.

Council President McMorrow returned to the dais.

On a motion by Councilman Aversa, seconded by Councilman Liang and carried unanimously, the public portion was closed.

ALL IN FAVOR:

AYES: Aversa, Liang, Oh, McMorrow, Park, Consalvo

RESOLUTIONS 2016: Consent Agenda

118 – Tax Appeal Block 612, Lot 3

119 – Approve Agreement for Shalhoub Settlement

120 – Hiring of Special Litigation Counsel

CONSENT AGENDA

All matters listed below are considered routine in nature and was enacted by one motion. There was separate discussion of these items. If any discussion was desired by the Council, that particular item was removed from the Consent Agenda and was considered separately.

Councilman Aversa questioned Resolution 120.

Borough Attorney clarified the resolution.

On a motion by Councilman Aversa, seconded by Council President McMorrow, Resolutions 118, 119 and 120, were adopted.

ROLL CALL:

AYES: Aversa, Liang, McMorrow, Park, Consalvo

ABSENT: Oh

RESOLUTION 16-118

AUTHORIZING SETTLEMENT OF TAX APPEALS OK REALTY, LLC. v. BOROUGH OF ENGLEWOOD CLIFFS BLOCK 612, LOT 3 (619 PALISADES AVENUE)

WHEREAS, complaints were filed with the State of New Jersey Tax Court for the 2014 and 2016 tax years challenging the assessment for property designated on the tax map as Block 612, Lot 3 (619 Palisades Avenue) by the owner of said property, OK Realty, LLC; and,

WHEREAS, the Borough Tax Appeal Attorney, Borough Appraiser and Borough Tax Assessor have negotiated a settlement with the taxpayer in which the professionals believe are in the best interests of the Borough of Englewood Cliffs; and,

WHEREAS, the Mayor and Borough Council of the Borough of Englewood Cliffs is concerned about maintaining fair and proper assessments for all properties within the Borough of Englewood Cliffs under the Local Property Tax; and,

WHEREAS, the settlement of the pending tax appeal(s) will insure the fair assessment of such property for the applicable tax years.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the Borough's Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to settle the litigation entitled OK Realty, LLC v. Borough of Englewood Cliffs; and,

BE IT FURTHER RESOLVED, that pursuant to such settlement, for tax years 2014 through 2016, the assessment of \$5,362,500 will be reduced to \$4,150,000, resulting in a total refund or credit collectively of approximately \$33,101.25; and,

BE IT FURTHER RESOLVED that the aforementioned settlement is predicated upon a waiver of payment of interest on any refund and/or credit provided and that the taxpayer shall be

receiving credit(s) against future tax payments, rather than a refund being distributed by the Borough of Englewood Cliffs.

RESOLUTION 16-119

RESOLUTION AUTHORIZING A REPAYMENT AGREEMENT BETWEEN THE BOROUGH OF ENGLEWOOD CLIFFS AND THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE TRUST FUND

WHEREAS, the Borough of Englewood Cliffs (“Borough”) was named as a defendant in the case of James Shalhoub v. The Borough of Englewood Cliffs, et al. in the Superior Court of New Jersey, Bergen County Law Division, Docket No. BER-L-3885-10 (the “Litigation”) in which the Borough was represented by defense counsel appointed by the Municipal Excess Liability Joint Insurance Fund (“MEL”), the Borough’s insurer; and

WHEREAS, said matter was dismissed; and

WHEREAS, as a result of the MEL providing a defense for the Borough, the MEL claimed that the Borough owed \$88,279.56 which represents the Borough’s \$75,000.00 self-insured retention and 20% co-insurance for the legal services provided in connection with this matter; and

WHEREAS, no payments were made for legal fees and costs during the pendency of the Litigation by the Borough; and

WHEREAS, the MEL has agreed to allow the Borough to pay the total sum of \$88,279.56 to the MEL over a two (2) year period; and

WHEREAS, the Borough has agreed to pay the MEL in four (4) installments with the first payment being made to the MEL on or before January 1, 2017 and subsequent payments to be made on June 1, 2017, January 1, 2018 and June 1, 2018; and

WHEREAS, the Borough wishes to resolve this matter for its self-insured retention and 20% coinsurance for legal fees in connection with this matter in the amount of \$88,279.56; and

WHEREAS, the Borough has agreed to pay the MEL in four (4) installments of \$22,069.89 plus interest, with the first payment being made to the MEL on or before January 1, 2017 and subsequent payments to be made on June 1, 2017, January 1, 2018 and June 1, 2018, together with interest equal to the rate of interest the MEL is currently receiving on its investments, which fluctuates, but which, at the moment is .87%. The payment of \$22,069.89 on January 1, 2017 shall be on the unpaid principal; and

WHEREAS, the Borough fully understands that if it resigns or fails to renew its membership or for any other reason is no longer a member of the Bergen County Municipal Joint Insurance Fund or the MEL before the entire \$88,279.56 is repaid to the MEL, all outstanding monies due and owing to the MEL, including principal and interest, shall be paid to the MEL on

the January 1st of the year the Borough is no longer a member of the Bergen County Municipal Joint Insurance Fund or the MEL.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Englewood Cliffs that it hereby authorizes the entry into a Repayment Agreement with the Municipal Excess Liability Fund in the form attached hereto; and

BE IT FURTHER RESOLVED that the Borough hereby agrees that the MEL shall be paid by the Borough in four (4) installments of \$22,069.89 plus interest, with the first payment being made to the MEL on or before January 1, 2017 and subsequent payments to be made on or before June 1, 2017, January 1, 2018 and June 1, 2018, together with interest equal to the rate of interest the MEL is currently receiving on its investments, which fluctuates, but which, at the moment is .87%.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute a Repayment Agreement between the Borough of Englewood Cliffs and the MEL incorporating the terms and conditions of this Resolution and in the form attached hereto.

RESOLUTION 16-120

WHEREAS, there exists a need for certain legal services pertaining to special litigation counsel as well as other matters deemed necessary by the Borough of Englewood Cliffs which may arise; and

WHEREAS, the Borough Attorney has or may have a conflict with respect to matters which may arise
with respect to representing the Borough; and

WHEREAS, the Borough needs to provide for the use of outside counsel for the special litigation counsel and other matters which may arise within the Borough; and

WHEREAS, the Borough wishes to appoint John R. Lanza to serve as the special litigation counsel to the Borough and other matters which may arise as to be determined.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Englewood Cliffs, Bergen County, New Jersey that John R. Lanza, Esq. of Lanza & Lanza, LLP shall be hired to serve as Special Litigation Counsel and Special Counsel for the Borough of Englewood Cliffs.

BE IT FURTHER RESOLVED, that the Borough's counsel is authorized to prepare the Agreement, and the Mayor is authorized to execute any documents needed to effectuate the retention of the legal professional and to assign matters to John R. Lanza, Esq. for representation of the Borough of Englewood Cliffs.

COMMITTEE REPORTS

COUNCILMAN AVERSA – Lighting – no report.

COUNCILMAN LIANG said Community Night Out was a wonderful event and thanked the DPW.

COUNCILWOMAN OH - no report

COUNCIL PRESIDENT MCMORROW – Recreation – thanked everyone including all the volunteers and residents who worked as a team to make Community Night Out a wonderful and successful event. She especially thanked Mark Neville, DPW Superintendent and his staff for the great job they did. There were several corporate sponsors. She spoke about the 5K Run scheduled for October 23, 2016. There was a table at Community Night Out for residents to sign up for the Fort Lee Library. The Director of the Library said 374 residents have signed up. Goldberg Bagels and Giovanni’s Bicycle Club will open shortly.

COUNCILMAN PARK - not audible

COUNCILMAN CONSALVO – no report.

UNFINISHED/NEW BUSINESS

The Mayor spoke to the Superintendent of Schools about the possibility of shared services between the Borough and the schools for 2018. DPW Superintendent and Borough Clerk are working on the project.

On a motion by Council President Mcmorrow, seconded by Councilman Liang, the Mayor created an Ad Hoc Committee comprised of Council President McMorrow, Councilman Consalvo and Councilwoman Oh to discuss shared services for 2018 between the Borough and the schools.

ROLL CALL:

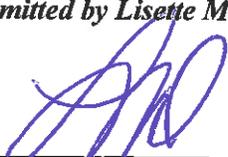
AYES: Aversa, Liang, Oh, McMorrow, Park, Consalvo

The Borough Clerk is deeply saddened by Deputy Chief McMorrow’s retirement and said it has been a pleasure working with him. She thanked him for his years of service.

Seeing and hearing none, the meeting was adjourned at 9:37 P.M.

Respectfully submitted by Lisette M. Duffy, RMC Borough Clerk.

ATTEST:



Lisette M. Duffy, RMC, Borough Clerk